

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

ANOU LO,

Petitioner,

v.

Case No. 04-C-0133

**JEFFREY ENDICOTT, Warden,
Redgranite Correctional Institution,**

Respondent.

ORDER

For the reasons stated in Anou Lo's Motion for Clarification of Certificate of Appealability, that motion is **GRANTED**.

This Court's Decision and Order dated October 27, 2006, was intended to grant a Certificate of Appealability on each of the issues raised in Lo's Request for a Certificate of Appealability (Docket No. 29), specifically:

1. Whether release of the Wisconsin Supreme Court's decision in *State v. Head*, 2002 WI 99, 255 Wis.2d 194, 648 N.W.2d 413, on July 11, 2002, defining the elements of the offense for which Lo was convicted and thereby supplying a necessary element of his due process claim, acted to trigger a new one-year limitations period for federal habeas relief under 28 U.S.C. §2244(d)(1)(D);

2. Whether, if Lo's petition was not filed within the time limits of 28 U.S.C. §2244(d), equitable tolling applies to render the petition timely; and
3. Whether the state trial court's failure to require a jury finding beyond a reasonable doubt on every fact or element necessary for a finding of guilt on the charge of attempted first degree intentional homicide denied Lo his rights to due process.

IT IS FURTHER ORDERED that the Clerk forward a copy of this Order to the Seventh Circuit Court of Appeals forthwith.

Dated at Milwaukee, Wisconsin this 28th day of November, 2006.

BY THE COURT

s/ Rudolph T. Randa
Hon. Rudolph T. Randa
Chief Judge